

Montana Transportation Commission

April 7, 2005 meeting

Montana Department of Transportation building
2701 Prospect Avenue, Helena MT

In attendance:

Bill Kennedy, Transportation Commission Chair
Nancy Espy, Transportation Commission Vice Chair
Kevin Howlett, Transportation Commissioner
Rick Griffith, Transportation Commissioner
Deb Kottel, Transportation Commissioner
Jim Lynch, Director – Montana Department of
Transportation (MDT)

Jim Currie, MDT Deputy Director
Tim Reardon, MDT Chief Counsel
Sandra Straehl, MDT Rail, Transit & Planning
Administrator
Loran Frazier, Acting MDT Chief Engineer
Mike Duman, Assistant FHWA Division Administrator
Mark Wissinger, MDT Construction Engineer

Please note: the complete recorded minutes are available for review on the commission's website at http://www.mdt.state.mt.us/trans_comm/. You may request a compact disc (containing the audio files, agenda, and minutes) from the transportation secretary at (406) 444-7200 or ldemont@mt.gov. Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200. The TTY number is (406) 444-7696 or 1-800-335-7592.

Opening

Chairman Kennedy called the meeting to order at 8:05 am. The pledge of allegiance was followed by an invocation shared by Commissioner Howlett.

Discussion

Commissioner Howlett expressed a preference for beginning the commission meetings at 9am. Commissioner Espy preferred an earlier start to allow for more travel time at the end of the day. Commissioners Kottel and Griffith didn't have a strong preference either way.

Chairman Kennedy said he would like to hold a meeting in every district this year, and that may impact people's decision regarding the starting time. => As a compromise, the meetings will begin at 8:30am unless otherwise indicated.

Chairman Kennedy said he would like to schedule a half hour at each meeting for local officials to come in and visit with the commission. It will be for discussion only; nothing will be voted on. Follow-up on items needing action will occur at subsequent meetings. Commissioner Griffith suggested scheduling it early in the day. Chairman Kennedy suggested the time be scheduled for 10 – 10:30 am which allows for travel time. Commissioner Espy suggested making it clear to the county commissioners that there should not be an expectation that this would be a mechanism for airing a requirement for more projects in their area such that the commission would bypass the existing planning processes and take action to advance projects.

Tim Reardon noted that today's agenda did not include a time for public comment. [Note: the newspaper advertisements did specify there would be opportunity for public comment.]

Commissioner Espy noted that in the past, as we went out into the districts, we have made invitation to the local officials. The notice of the meeting is also publicized in the county papers. These meetings have not typically been very well attended by local officials, despite us having made the effort via letter and notice in the newspapers. What we noticed is that those that do come don't usually come for very long. We would usually accommodate their schedule and open the floor to them soon after they arrived.

=> Chairman Kennedy suggested getting the information onto the MACO website as one of the ways to get the invitation out.

Acknowledgement of soldier in Iraq

Director Lynch acknowledged Courtney Engebretson stationed at Camp Liberty in Iraq. Courtney is the daughter of the director's office receptionist, Waverly Engebretson.

Agenda item 1: Review bids from March 31 letting

Commissioner Griffith moved to accept staff recommendations to approve the contract award for projects 1,3, 4 and 5:

- NH 5-(124)56 *Minesinger Trail - MT 35*
- STPP 57-7(19)326, STPP-STPHS 57-7(20)327, IM 94-6(49)191, and STPP 98-1(4)0 *Business Loop-Glendive, 2002-Signals-E of Glendive, Dawson County Line-NE, and Business Loop-Glendive;*
- STPS 358-1(3)18 *Pondera/ Glacier County Line Slide-Slide Correction*
- CM-STPU 6904(1) *Main St Improvements – Laurel*, including the trees and lighting alternates

Commissioner Espy seconded the motion. All five commissioners voted aye.

Project 2, *Weeksville West*, was pulled from the letting and will be readvertised in May.

Agenda item 2: Educational Session

Design-build

Engineer Mac McArthur did a presentation on the process of design-build.

Change orders

Mark Wissinger referred to his memo of May 2, 2003, which delineates conditions requiring change orders. The average time for a change order to be processed is one to two months. Lisa Durbin said we hope to shorten that time with the use of electronic signatures, rather than sending a hard copy from place to place in the state for signatures. The change order process should not delay work on the project.

We track the change orders by type and district. About four percent of projects account for more than seventy percent of program cost growth. We aim for two percent cost growth or less. We have had a couple of audits on the process, and one of the recommendations was to include authority earlier on in the process. Currently the commission approves the change orders after the fact.

=> Director Lynch said we will bring a proposal to the commission at a future meeting to address the recommendations in that audit.

Certificates of completion

=> Chairman Kennedy requested an additional presentation on CTEP projects.

Straehl said Montana is one of two states that passes the projects along to the local governments and is considered cutting edge. In fact, Montana is frequently contacted for information about our CTEP program. Because CTEP involves federal money, projects carry federal requirements which local governments must administer, which does add to the time and cost of projects.

Agenda item 16: Certificates of completion

Commissioner Griffith moved to accept staff recommendations to approve the certificates of completion, including the certificates for CTEP projects; Commissioner Howlett seconded the motion. All five commissioners voted aye.

Agenda item 17: Change orders for January and February 2005

Commissioner Kottel moved to accept the change orders as presented; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 3: Commission agenda and locations

=> Chairman Kennedy asked to discuss the TCP meeting schedule during the upcoming conference call (May 9).

The commission agreed to the following locations:

- The **May 17-18** meeting will be in **district one**.

We will travel to Polson in the morning of the 17th; do a half-day of touring area projects; and the commission meeting will be in Pablo on the 18th. The commission is invited to attend a meeting of the interagency resource team on US 93 on May 19 in Missoula; it will include discussions about an ecosystem approach to mitigation (as part of a national effort.)

=> The commission secretary will organize a meeting room to go over the project itinerary prior to the tour, along with transportation and a tour guide. The meeting will start at 9am on the 18th.

=> Commissioner Howlett will find a location for the meeting.

- The **July 27-28** meeting will be in **district 4**; the tour will include the design-build project in Wibaux and a project in Sidney. The commission meeting will be in Baker.
- The **September 7-8** meeting will be in **district 3**. The location will be either St. Mary or East Glacier, depending on room availability.
- The **November 1-2** meeting will be in **district 2**. Lodging will be at Fairmont with the meeting in Anaconda. This may include a half-day work session in preparation for the TCP meetings. If so, follow-up meetings to formulate the Tentative Construction Program (TCP) would then be scheduled for November 14-18.
- The **December 7-8** meeting will be in **district 5**, in the Billings area. The tour portion will include visits to Pompeys Pillar and Billings area projects. It may be possible to have the commission meeting in the new interpretive center at Pompeys Pillar.

Commissioner Griffith moved to accept the locations as discussed; Commissioner Espy seconded the motion. All five commissioners voted aye. Commissioner Espy noted that we need to remember things may come up and we need to be flexible.

=> Chairman Kennedy requested that the 2006 schedule be discussed at the December meeting agenda.

=> Chairman Kennedy asked that the commissioners be notified of any meetings that would be helpful for them to attend. Currie said there is a boards and commissions meeting at the annual AASHTO meeting that would be helpful for one or two of the commissioners to attend. Lynch said usually it would be the chairman but could be someone else. The spring AASHTO meeting is May 6-9. WASHTO is July 10-13 in Omaha, Nebraska. The fall AASHTO meeting is September 15-20 in Nashville.

=> We will get the commission a list of the meetings that have those components when the dates are released by AASHTO.

Commissioner Howlett asked if there is a need to provide notice to the public whenever the commission meets with tribal governments. Chief Counsel Reardon said the only criterion to consider is whether or not a quorum of commissioners will be present. Even if only two commissioners would be present – not a quorum, Reardon said it would still be appropriate to publicize the meeting in terms of meeting the intent of the open meeting law. One can be criticized for not providing adequate notice, but one cannot be criticized for providing too much notice.

Chairman Kennedy referred to the “sunshine rules” of Montana, which requires that we make an effort to get the word out. If people don’t read their newspapers, we cannot be faulted.

Agenda item 4: Speed limit studies

- a. Glen – Old Highway 91 North (X route in Beaverhead County)
- b. US 89 – Livingston South (Park County)
- c. MT 84 – Four Corners West (Gallatin County)

Commissioner Howlett expressed a preference to accommodate the public's wishes for lower speed limits. Commissioner Espy said unless we have assurance from the local law enforcement that they will enforce the lower speed limit, the lower limit will not mean anything. Currie provided some history on the speed limit process with previous commissions, where the commissioners would sometimes find themselves facing delegations that were in extreme opposition to the department's recommendations. Currie said the commission no longer sees a recommendation that doesn't consider the wishes of the local government. Whether or not they [local government] are representative of the local citizenry, though, he didn't know. Frazier said he has instructed staff to work with the local governments and make every effort to come to consensus. There are gray areas in the speed study process, and we need to acknowledge that rather than trying to make it black and white.

Chairman Kennedy commended the department for improving in this area and said it used to be quite a contentious process. Commissioner Griffith said it also gives the locals more ownership in the outcome when they are part of the decision-making process. Currie said we are required to give the commission the results of a traffic and engineering study but the commission is not required to adopt the recommendations. Duman reminded the commission that under litigation that if they have departed from standard practice

Commissioner Griffith moved to accept staff recommendations to approve the speed limit recommendations as presented (summarized below); Commissioner Espy seconded the motion. All five commissioners voted aye.

- a. *Glen – Old Highway 91 North (X route in Beaverhead County)*

Glen is located north of Dillon on the frontage road (Old Highway 91) on the eastside of Interstate 15. There will be a **50 mph speed limit** [through Glen] beginning at station 522+00, project FAP 241 A and continuing north to station 540+00, an approximate distance of 1,800 feet.

- b. *US 89 – Livingston South (Park County)*

On US 89 south of Livingston between mile markers 48 and 50, there will be a **55 mph speed limit** beginning at station 1739+00, project FAP 13(6) (150' south of the intersection with Guthrie Lane) and continuing south to station 1579+00 (1,550 feet south of the intersection with Evergreen Lane, an approximate distance of 3.03 miles.

- c. *MT 84 – Four Corners West (Gallatin County)*

West of Bozeman, there will be a **45 mph speed limit** on MT 84 beginning at Four Corners (the intersection of MT 84 with US 191) and continuing west to (metric) station 146+20, project STPP 84-4(9), an approximate distance of 1,100 feet.

There will be a **60 mph speed limit** beginning at (metric) station 146+20, project STPP 84-4(9) and continuing west to (metric) station 127+40, project STPP 84-4(9), an approximate distance of 6,200 feet.

Agenda item 5: Access control resolution

For East Valley Center Road, between Belgrade and Bozeman in Gallatin County, in association with project STPS 235-1(13)0 *Junction MT 85 East*

Commissioner Griffith moved to accept staff recommendations to approve the access control resolution as presented; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 6: Relocating utilities in preparation for developer-financed realignment of Custer Avenue/Washington Street intersection (Helena)

Straehl explained that we have a process in place by which we coordinate with local governments and developers when they are seeking access onto the state system to ensure mitigations are addressed in advance. We have an agreement in place for cost participation in this intersection improvement. The developers will bear the majority of the reconstruction cost. The state's share is to relocate the utilities. The department intends to enter into another agreement with the local government whereby they will provide the land for the utility relocations and the department will provide the cost for the movement of the overhead lines. The underground utilities will remain in place.

Commissioner Kottel moved to approve the National Highway funds not to exceed \$300,000 for relocation of the utilities [overhead power line] for the realignment of the Custer Avenue/Washington Street intersection; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Agenda item 7: Enhancement projects on MDT right-of-way

Based on the community's selection process and provision of the required local match, the following projects – representing many hundreds of linear feet of sidewalk – were presented for commission review and action:

- a. Sidewalks in Laurel (a stand alone project)
- b. Boy Scout Road path near Seeley Lake
- c. Riverview Road Path – Seeley Lake
- d. Sidewalks on Jackson Street in Billings

Commissioner Espy moved to accept staff recommendations to approve the CTEP projects as presented; Commissioner Kottel seconded the motion. All five commissioners voted aye.

Agenda item 8: Railroad crossing improvements – 27th Street in Billings

Straehl explained MDT has a practice of cost participation for improving rail crossings with the railroad companies whereby they provide the labor and the state provides the cost of the materials.

For \$68,800 in materials, we have an opportunity to partner with Montana Rail Link to replace the degraded rubber crossing with a cement crossing at the 27th Street crossing in Billings.

Commissioner Griffith moved to accept staff recommendations to approve the addition of the crossing surface on 27th Street in Billings; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 9: FFY 2005 congressional earmark projects on MDT right-of-way

- a. US 93 Kalispell Bypass
- b. Secondary 323 Ekalaka - Alzada
- c. Billings bypass development
- d. Claggett Hill/Lewis & Clark ferry boat facilities
- e. US 87 improvements in north Great Falls
- f. Advance warning at railroad crossing on Secondary 366 at Ledger
- g. Whitefish pedestrian/bicycle trails

Straehl distributed a copy of commission policy entitled *Policy resolution regarding congressionally directed Federal-aid funding: Including demonstration projects, high priority projects, and project earmarks.*

Commissioner Espy moved to accept staff recommendations to accept these funds and approve the projects listed; Commissioners Kottel and Griffith seconded the motion. All five commissioners voted aye.

Straehl noted that the *Alzada-Ekalaka* project details should list **mileposts 50.7 and 59.7**, not 36.826 to 52. Also, the *Claggett Hill/L & C Ferry Boat Facilities* project should state “Fergus County has agreed to obtain an appropriate easement and construct approximately **2,300 meters (not feet as was incorrectly listed)** of connecting roadway before this project is completed.

Straehl asked that the commission allow any excess funds available on the Claggett Hill project to be made available, up to the amount of the earmark, to the county for construction of the connecting road.

Commissioner Kottel moved to accept staff recommendations to approve the projects, including the three amendments; Commissioner Espy seconded the motion. All five commissioners voted aye.

Agenda item 10: FFY 2005 congressional earmark projects off MDT right-of-way

- a. Fort Peck Reservoir fishing access roads
- b. Glacier National Park Going-to-the-Sun Road
- c. Marysville Road in Lewis & Clark County
- d. West Fork/Ski Run Road south of Red Lodge
- e. Public bus and medical transfer facility in Billings
- f. Billings Downtown Bus Facility

This item was presented for information only; no action was necessary.

Agenda item 11: Federal Transit Administration (FTA) Section 5311 Capital Assistance Program

Commissioner Espy moved to accept staff recommendations to approve the Section 5311 capital assistance expenditures listed below; Commissioner Howlett seconded the motion. All five commissioners voted aye.

<i>Recipient</i>	<i>Project Description</i>	<i>Federal Share</i>	<i>Local Share</i>	<i>Total</i>
Fergus County COA Lewistown	One 7-passenger mini-van	\$20,800	\$5,200	\$26,000
Helena Area Transit Service, Helena	One 16-passenger diesel bus with wheelchair lift & radio	\$51,200	\$12,800	\$64,000
Helena Area Transit Service, Helena	Bike racks	\$1,600	\$400	\$2000
Valley County Transit Glasgow	Computer equipment	\$2,000	\$500	\$2,500
Valley County Transit Glasgow	Vehicle rehabilitation	\$7,600	\$1,900	\$9,500
Flathead Area IX Agency on Aging, Kalispell	Two 16-passenger diesel buses with wheelchair lifts	\$91,200	\$22,800	\$114,000
Flathead Area IX Agency on Aging, Kalispell	Two 25-passenger diesel buses with wheelchair lifts	\$97,600	\$24,400	\$122,000
Flathead Area IX Agency on Aging, Kalispell	Driver’s lockers	\$720	\$180	\$900
Fort Peck Transportation, Poplar	Renovate bus barn with new doors	\$53,902	\$13,475	\$67,378
	Total	\$326,622	\$81,655	\$408,278

All amounts are estimates.

Agenda item 12: Transit Section 5310 Capital Assistance Program

Commissioner Espy moved to accept staff recommendations to approve the Section 5310 capital assistance expenditures listed below; Commissioner Howlett seconded the motion. All five commissioners voted aye.

Recipient	Project Description	Federal Share	Local Share	Total
Richland Opportunities, Inc. Sidney (partial)	One 12-passenger bus with wheelchair lift	\$22,400	\$5,600	\$28,000
Plains/Paradise Senior Citizens Plains	One 12-passenger bus with wheelchair lift	\$40,400	\$10,100	\$50,500
COR Enterprises, Inc. Billings	One 10-passenger bus with wheelchair lift	\$34,400	\$8,600	\$43,000
Dahl Memorial Healthcare Ekalaka	One 12-passenger bus with wheelchair lift	\$40,400	\$10,100	\$50,500
MET Transit Billings	One 12-passenger bus with wheelchair lift	\$44,000	\$11,000	\$55,000
HRDC/Galavan Bozeman	One 12-passenger bus with wheelchair lift & radio	\$43,600	\$10,900	\$54,500
Mission Mountain Enterprises Ronan	One mini-van conversion with ramp	\$32,800	\$8,200	\$41,000
Reach, Inc. Bozeman	One 10-passenger bus with wheelchair lift	\$34,400	\$8,600	\$43,000
Little Bitterroot Services, Inc. Plains	One 12-passenger bus with wheelchair lift	\$40,400	\$10,100	\$50,500
Opportunity Resources, Inc. Missoula	One 12-passenger bus with wheelchair lift	\$40,400	\$10,100	\$50,500
	Total	\$373,200	\$93,300	\$466,500

All amounts are estimates.

Should additional Section 5310 funding become available, additional funds will be directed towards these projects in the priority shown:

Recipient	Project Description	Federal Share	Local Share	Total
MET Transit Billings	Three 12-passenger buses with wheelchair lifts	\$132,000	\$33,000	\$165,000
HRDC/Galavan Bozeman	One 12-passenger bus with wheelchair lift	\$40,400	\$10,100	\$50,500
Mission Mountain Enterprises, Ronan	One 7-passenger mini van	\$20,800	\$5,200	\$26,000
Golden Triangle Community Mental Health, Great Falls	One 12-passenger bus with wheelchair lift	\$40,400	\$10,100	\$50,500
Big Horn Hospital Association Hardin	One Mini-van conversion with ramp	\$32,800	\$8,200	\$41,000
Reach, Inc., Bozeman	One 7-passenger mini van	\$20,800	\$5,200	\$26,000
Quality Life Concepts, Great Falls	One 7-passenger mini van	\$20,800	\$5,200	\$26,000
Quality Life Concepts Great Falls	One 12-passenger bus with wheelchair lift	\$40,400	\$10,100	\$50,500
AWARE, Inc., Anaconda	Four 7-passenger mini vans	\$83,200	\$20,800	\$104,000
AWARE, Inc., Anaconda	Radio equipment	\$16,800	\$4,200	\$21,000
Liberty County COA, Chester	Computer system with printer	\$2,400	\$600	\$3,000
Eagle Watch Mobility, Inc. Missoula	One Mini-van conversion with ramp	\$32,800	\$8,200	\$41,000
Golden Triangle Community Mental Health, Great Falls	One 7-passenger mini van	\$20,800	\$5,200	\$26,000
HRDC Galavan, Bozeman	Computer system with printer	\$1,600	\$400	\$2,000
	Total	\$506,000	\$126,500	\$632,500

All amounts are estimates.

Agenda item 13: STP-funded Transit Capital Assistance

If there is a significant increase in the federal transit program, the STP-funded transit program may no longer be needed.

Commissioner Griffith moved to accept staff recommendations to approve the capital assistance projects (listed below) to be funded 80 percent with federal STP funds and 20 percent with local matching funds; Commissioner Kottel seconded the motion. All five commissioners voted aye.

Recipient	Project Description	Federal Share	Local Share	Total
A.W.A.R.E., Inc. Anaconda	Two 7-passenger mini vans	\$41,600	\$10,400	\$52,000
Daniels Memorial Healthcare Scobey	One 12-passenger bus with wheelchair lift	\$40,400	\$10,100	\$50,500
Glen-Wood, Inc. Plentywood	One mini van conversion with ramp	\$32,800	\$8,200	\$41,000
Glen-Wood, Inc. Plentywood	One 10-passenger bus with wheelchair lift	\$34,400	\$8,600	\$43,000
BSW, Inc. Butte	Two 12-passenger small buses with wheelchair lift and radios	\$84,000	\$21,000	\$105,000
Big Horn Hospital Association Hardin	One 16-passenger bus with wheelchair lift	\$43,200	\$10,800	\$54,000
Liberty County COA Chester	Radio equipment for existing vehicle	\$5,600	\$1,400	\$7,000
Richland Opportunities, Inc. Sidney (partial)	One 12-passenger bus with wheelchair lift	\$18,000	\$4,500	\$22,500
	Total	\$300,000	\$75,000	\$375,000

All amounts are estimates.

Agenda item 14: Commission discussion

Update on Tribal Relations Committee

Director Lynch provided an update on the Governor’s work regarding Indian country. He expressed concern about duplicating or undermining their efforts. One of the misunderstandings that has already surfaced is the issue of talking to the right people. Commissioner Howlett was reluctant to give up the work of the Tribal Relations Committee for a variety of reasons. He thought it important for the commission to physically present themselves to the tribal governments.

Chairman Kennedy said this is the same courtesy he’d like to extend to city and county governments. We don’t take action but we pass the issues along to Jim Lynch for the appropriate follow-up action. This way we can treat everyone in Montana the same. This will support the work the Governor is doing and in time, these relationships will become more natural. Director Lynch committed to inviting the commissioners to events of interest in their district.

The committee will stand.

Commissioner Kottel commented that the tribal relations binder had great data but in her opinion missed the links; a narrative would be helpful in interpreting the data. She said it worries her that we wait for people to complain to us before we take action. She recommended taking a more proactive approach to the relationships with the tribes. Director Lynch concurred and likened it to the public meeting process, which he suggested needs to be looked at.

=> Chairman Kennedy requested an update of the Governor’s work. Lynch suggested an update be a standing item on the agenda. Lynch said Russ McDonald, the new tribal liaison, will be very much a part of that.

Update on federal reauthorization

Lynch said the House passed a bill about a month ago. There was some publicity that Montana would see big increases in transportation funding but that information wasn’t exactly true. The Alzada project and the Bozeman parking garage were earmarked in that

bill. The Senate version passed committee and is now on the floor where amendments will be made. We are in daily contact with Senator Burns' office to work towards a bill that will be good for Montana. Further on our side is the seniority that Senator Baucus will bring to the conference committee. Hopefully the Senate version will be voted on next week and move on to conference committee. We are optimistic that reauthorization may be complete by June. This is important to us to keep projects in the fiscal year and for repaying our debt service on bonds we've taken out to fund projects on US 93.

We are still working under the old bill and our funding levels are decreasing. We have moved projects out to compensate for that. We are hoping to get our funding levels locked in the new bill. To help generate additional revenue to the trust fund at the federal level, abuses of non-taxed dyed diesel fuel and the federal excise tax are being looked at. Lynch emphasized the importance of obtaining the **right** bill, not just any bill. We've paid the price of not having the right bill for the last 18 months.

Pavement management system

Currie explained that this system helps us get the most benefit to the transportation system. One thing that became clear as a result of running various analyses was that we need to spend more on doing preventive maintenance on good highways (take care of what you have). Rather than focusing on reconstructing bad highways, follow a "build as you can" philosophy. The document before you, 2004 Pavement Conditions, validates the approach we have taken: it shows an upward trend as a result of this philosophy. Frazier guided the commissioners through several of the graphs, which clearly show an upward trend.

=> Chairman Kennedy requested a presentation on the TCP at the next commission meeting, along with copies of the current TCP.

Litter

Commissioner Howlett raised the issue of an increased amount of litter. Commissioner Espy suggested that the adopt-a-highway people may be put off by the warnings coming out about meth production paraphernalia in the right-of-ways. Commissioner Kottel said in her area there is a big problem with urine-filled containers being thrown on to the right-of-way. These explode when mowers come through. Currie suggested we need some marketing. Chairman Kennedy said he hasn't seen any ads promoting no litter over the past few years.

Agenda item 15: Letting lists

Frazier distributed the most current proposed lettings lists for April – August. He said we are doing our best to get Claggett Hill ready for the May letting (it is currently listed for April) by accomplishing what the county was not able to.

Commissioner Griffith moved to accept staff recommendations to approve the letting lists as presented; Commissioner Kottel seconded the motion. All five commissioners voted aye.

Agenda item 18: Liquidated damages

The commission took no action therefore the liquidated damages stand.

Continuation of discussion (agenda item 14)

Chairman Kennedy recognized Betsy Allen of Senator Burns' office.

Montana legislative update

Jim Lynch explained that \$130 million was moved from HB 2 to HB 5. Because HB 2 is passed before HB 5 is, it is very important that this item not be amended out of HB5. The other concern is that this drops \$70 million out of the cap. There is some concern on the other side of the aisle over that.

Public comment

Commissioner Espy moved to add public comment onto the agenda; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Chairman Kennedy opened the floor to the public for comment. Frankie Lee from HDR Engineering introduced himself. He noted that Montana is more progressive in forging a relationship with the tribes than some of the other places he's lived and worked.

Farewell dinner

Currie said we traditionally invite past commissioners to an appreciation dinner. => We will invite past commissioners Shiell Anderson and Meredith Reiter to join us in Polson. Dan Rice has indicated he will not attend the event.

The meeting adjourned at 3:10pm.

Bill Kennedy, Chairman
Montana Transportation Commission

Jim Lynch, Director
Montana Department of Transportation

Lorelle Demont, Secretary
Montana Transportation Commission